

105TH CONGRESS
1ST SESSION

S. 263

To prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 1997

Mr. McCONNELL (for himself, Mr. SMITH of New Hampshire, Mr. COCHRAN, Mr. INHOFE, Mr. WARNER, Mr. D'AMATO, Mr. ALLARD, Mr. KYL, Mr. JEFFORDS, Mr. DEWINE, Mr. LUGAR, Mr. LEAHY, Mr. MOYNIHAN, Mr. CRAIG, Mr. REID, Mr. BUMPERS, Mr. WYDEN, Mr. KENNEDY, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bear Protection Act”.

5 **SEC. 2. FINDINGS.**

6 Congress finds that—

1 (1) there are eight extant species of bear: Asian
2 black bear, brown bear, polar bear, American black
3 bear, spectacled bear, giant panda, sun bear, and
4 sloth bear;

5 (2) the Asian black bear populations have been
6 decimated in recent years by illegal trade to supply
7 the growing demand for medicines and cosmetics
8 containing valuable bear viscera;

9 (3) without immediate action to end United
10 States involvement in the lucrative black market
11 trade in bear viscera, American bear populations
12 may suffer the same devastating losses as Asian
13 bear populations;

14 (4) increasingly, undercover operations have
15 discovered that poachers are establishing extensive
16 smuggling networks to illegally commercialize Amer-
17 ican bears;

18 (5) because it is practically impossible to distin-
19 guish the viscera of CITES appendix I bears from
20 the viscera of other bear species, there is an urgent
21 need to eliminate the trade in the viscera of all bear
22 species;

23 (6) as a party to CITES, a world leader in
24 wildlife conservation, and a large market for and
25 supplier of bear viscera and products, the United

1 States shares responsibility for supporting and im-
2 plementing measures to stop the illegal trade in
3 CITES appendix I Asian black bears and CITES
4 appendix II American black bears;

5 (7) inconsistency in State prohibition of commer-
6 cialization of bear gall and inadequate Federal regu-
7 lation of such commercialization make law enforce-
8 ment difficult; and

9 (8) individual States, which have the right to set,
10 maintain, and enforce quotas for the legal hunting
11 of black bears, will be assisted in their management
12 efforts by the enactment of a Federal law banning
13 the import of, export of, and interstate commerce in
14 bear viscera.

15 **SEC. 3. PURPOSE.**

16 The purpose of this Act is to ensure the long-term via-
17 bility of the world's eight bear species and specifically to
18 perpetuate healthy populations of American bears.

19 **SEC. 4. STATEMENT OF POLICY.**

20 It is the policy of the United States that effective
21 long-term conservation of the world's bear species, includ-
22 ing North American bears, depends in part on the prohibi-
23 tion of the lucrative trade in bear viscera.

24 **SEC. 5. DEFINITIONS.**

25 In this Act:

1 (1) BEAR VISCERA.—The term “bear viscera”
 2 means the body fluids or internal organs (including
 3 the gallbladder) of a species of bear.

4 (2) CITES.—The term “CITES” means the
 5 Convention on International Trade in Endangered
 6 Species of Wild Fauna and Flora, done at Washing-
 7 ton on March 3, 1973 (27 UST 1087; TIAS 8249).

8 (3) OTHER TERMS.—The terms “import”, “per-
 9 son”, “State”, and “transport” have the meanings
 10 provided in section 2 of the Lacey Act Amendments
 11 of 1981 (16 U.S.C. 3371).

12 **SEC. 6. PROHIBITED ACTS.**

13 A person who—

14 (1) imports into the United States, or exports
 15 from the United States, bear viscera or products
 16 that contain or claim to contain bear viscera; or

17 (2) sells, barter, offers to sell or barter, pur-
 18 chases, possesses with intent to sell or barter, trans-
 19 ports, acquires, or receives in interstate or foreign
 20 commerce, bear viscera or products that contain or
 21 claim to contain bear viscera;

22 shall be subject to section 7(a).

23 **SEC. 7. PENALTIES AND ENFORCEMENT.**

24 (a) IN GENERAL.—A person who engages in conduct
 25 described in section 6 shall be subject to the penalties and

1 sanctions provided in sections 4 and 5 of the Lacey Act
2 Amendments of 1981 (16 U.S.C. 3373 and 3374).

3 (b) ENFORCEMENT.—

4 (1) IN GENERAL.—This Act shall be enforced in
5 the manner provided in subsections (a), (b), and (c)
6 of section 6 of the Lacey Act Amendments of 1981
7 (16 U.S.C. 3375).

8 (2) USE OF PENALTY AMOUNTS FOR REWARDS
9 AND INCIDENTAL EXPENSES.—Amounts received as
10 penalties, fines, or forfeiture of property under sub-
11 section (a) shall be used in accordance with section
12 6(d) of the Lacey Act Amendments of 1981 (16
13 U.S.C. 3375(d)).

14 **SEC. 8. DISCUSSIONS CONCERNING TRADE PRACTICES.**

15 (a) IN GENERAL.—The Secretary of the Interior and
16 the United States Trade Representative shall—

17 (1) discuss issues involving trade in bear viscera
18 with the appropriate representatives of such coun-
19 tries trading with the United States as are deter-
20 mined jointly by the Secretary of the Interior and
21 the Secretary of Commerce to be the leading import-
22 ers, exporters, or consumers of bear viscera; and

23 (2) attempt to establish coordinated efforts with
24 the countries to protect bears.

1 (b) REPORT.—Not later than 5 years after the date
2 of enactment of this Act, the Secretary of the Interior
3 shall submit to Congress a report describing the progress
4 of efforts to end illegal trade in bear viscera.

○